REMARKS

This paper is submitted in reply to the Office Action dated July 6, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1-2, 4-5, 7-15, 16-18, and 20-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,526 to Arendt et al. In addition, claims 3, 6, 16, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arendt et al.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained.

As an initial matter, Applicants have amended claims 3, 6, 16 and 19 to independent form. Each of these claims was rejected under 35 U.S.C. § 103(a) as being unpatentable over Arendt et al. However, Applicants respectfully submit that Arendt et al. is not properly citeable against the present application in an obviousness rejection pursuant to 35 U.S.C. §103(c).

Specifically, under 35 U.S.C. §103(c), with respect to applications filed on or after November 29, 1999, a reference is disqualified as prior art if two conditions are met: (1) the reference is qualified as prior art only under 35 U.S.C. §102(e), (f), or (g), and (2) the reference is commonly owned with the claimed invention (or subject to an obligation to be assigned to the same entity) at the time the invention was made.

With respect to the first requirement for applying 35 U.S.C. §103(c), the Arendt et al. reference issued on November 6, 2001, which is after the filing date of the above-identified patent application. As such, the Arendt et al. reference is only available as prior art under 35 U.S.C. §102(e), and 35 U.S.C. §103(c) applies to the reference.

With respect to the second requirement for applying 35 U.S.C. §103(c), Applicants assert that the claimed invention and the Arendt et al. reference were commonly owned by (or subject to an obligation to assign to) International Business

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Machines Corporation. As evidence of this common ownership, an assignment for the instant application is recorded at Reel/Frame 012352/0062 of the U.S. Patent and Trademark Office Assignment Branch, while an assignment for the Arendt et al. reference is recorded at Reel/Frame 009312/0334.

Applicants therefore respectfully submit that the Arendt et al. reference, being *prima facie* prior art only under 35 U.S.C. 102(e), is not properly citeable against the instant application in an obviousness context due to the common ownership of the reference and the application. Accordingly, the rejections of claims 3, 6, 16 and 19 should be withdrawn. Reconsideration and allowance of these claims are therefore respectfully requested.

Now turning to the Examiner's rejections, and first to claim 1, this claim generally recites a method of managing switchable resources in a first node among a plurality of nodes in a clustered computer system. The method includes <u>enrolling at least one additional node</u> with a resource manager to receive notifications of updates to a switchable resource in the first node in the clustered computer system, and in response to an update to the switchable resource, notifying each node enrolled with the resource manager of the update.

As the Examiner has noted, Arendt et al. does disclose the concept of replicating cluster configuration information on multiple nodes in a cluster among nodes associated with a "resource group." Arendt et al. defines a resource group to include an application and any resources upon which that application depends (col. 5, lines 8-11). Each Arendt et al. resource group also includes a list of data processing systems, or nodes, that can manage the group (col. 5, lines 11-13).

What Arendt et al. does not specifically disclose, however, is how nodes or data processing systems are incorporated into the list of data processing systems in a resource group. Claim 1, however, specifically requires the step of "enrolling at least one additional node with a resource manager." The present application describes the concept

of "enrollment" at p. 6, lines 10-18, as including actions such as storing an identifier for a node in a data structure, or a more complex subscription scheme, e.g., using a local proxy-type object that is subscribed or registered with a resource manager.

Given that Arendt et al. does not specifically disclose how nodes or data processing systems are incorporated into a resource group, Applicants respectfully submit that Arendt et al. cannot be considered as anticipating claim 1. Anticipation requires that each and every limitation of a claim be found explicitly within the four corners of a reference, or be inherent in the reference. Arendt et al. does not explicitly disclose the concept of enrollment within the four corners of the reference. Moreover, the Examiner has provided no evidence that it would be inherent to incorporate enrollment functionality to add a node to a resource group. Accordingly, Applicants respectfully submit that claim 1 is novel over Arendt et al.

Furthermore, as noted above, Arendt et al. is not properly citeable against the present application in an obviousness context pursuant to 35 U.S.C. §103(c). Accordingly, claim 1 is patentable over the prior art of record. Reconsideration and allowance of claim 1, and of claims 2, 4-5 and 7-13 which depend therefrom, are therefore respectfully requested.

Turning next to independent claim 14, this claim generally recites an apparatus that includes a first node configured for use in a clustered computer system, a first data structure resident in the node and configured to identify a switchable resource, a second data structure resident in the node and configured to identify each additional node in the clustered computer system to be notified in response to an update to the switchable resource identified in the first data structure, and program code resident in the node and configured to notify each node identified in the second data structure in response to an update to the switchable resource identified in the first data structure. Furthermore, claim 14 has been amended to additionally recite the subject matter of claim 23, and now recites that the program code is also configured to <u>enroll a second node to be</u>

notified in response to an update to the switchable resource by updating the second data structure to identify the second node.[1]

As discussed above in connection with claim 1, Arendt et al. does not disclose the concept of enrolling a node to be notified in response to an update to a switchable resource. Accordingly, claim 14 is novel over the reference. Furthermore, given that Arendt et al. is not properly citeable in an obviousness context, claim 14 is therefore allowable over the prior art of record. Reconsideration and allowance of claim 14, and of claims 15, 17-18, 20-22 and 24-26 which depend therefrom, are respectfully requested.

Next, with respect to independent claims 27 and 28, each of these claims recite in part the concept of enrolling a node to receive notifications of updates to a switchable resource. As discussed above in connection with claim 1, Arendt et al. does not disclose the concept of enrolling a node to be notified in response to an update to a switchable resource. Accordingly, claims 27 and 28 are novel over the reference. Furthermore, given that Arendt et al. is not properly citeable in an obviousness context, claims 27 and 28 are therefore allowable over the prior art of record. Reconsideration and allowance of claims 27 and 28, and of claim 29 which depends therefrom, are respectfully requested.

As a final matter, while Applicants traverse the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims, Applicants wish to also note that a number of these claims include additional features that are not disclosed in Arendt et al., and as a result, these claims are patentable over the prior art of record based upon these additional features. With respect to claims 2 and 15, for example, Arendt et al. does not disclose the concept of a node being with a "domain" of a particular node.

In addition, with respect to claim 10, Arendt et al. does not disclose the concept of enrolling a remote network object that is configured to communicate with an additional

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[1]Claim 23 has been canceled without prejudice, and claims 24 and 25 have been amended to depend from claim 14, for consistency with the amendment to claim 14.

node over a logical communication path. With respect to claims 11 and 24, Arendt et al. does not disclose the concept of a client action object. In rejecting claims 10, 11 and 24, the Examiner cites col. 5, lines 25-56, and col.6, lines 42-65; however, Applicants can find no disclosure in any of the passages that is specifically directed to either remote network objects or client action objects. Applicants therefore respectfully request reconsideration and allowance of the aforementioned claims for these additional reasons.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

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